

CASE 75

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re Terrorist Attacks on September 11, 2001

03 MDL 1570 (RCC)
ECF Case

This document relates to:

Kathleen Ashton, et al. v. Al Qaeda Islamic Army, et al.
(1:02-cv-6977) ("Ashton")

Thomas E. Burnett, et al. v. Al Baraka Inv. & Dev.
Corp., et al. (1:03-cv-9849) ("Burnett D.C.")

Thomas E. Burnett, et al. v. Al Baraka Inv. & Dev.
Corp., et al. (1:03-cv-5738) ("Burnett N.Y.")

Cantor Fitzgerald & Co., et al. v. Akida Bank Private Ltd.,
et al. (1:04-cv-7065) ("Cantor")

Continental Casualty Co., et al. v. Al Qaeda Islamic Army,
et al., (04-cv-05970) ("Continental Casualty")

Euro Brokers, Inc. et al. v. Al Baraka Inv. & Dev. Corp. et
al. (1:04-cv-7279) ("Euro Brokers")

Federal Ins. Co., et al. v. Al Qaida, et al. (1:03-cv-6978)
("Federal Insurance")

New York Marine & General Ins. Co. v. Al Qaida, et al.
(1:04-cv-6105) ("NY Marine")

Estate of John P. O'Neill, Sr. v. Al Baraka Inv. & Dev.
Corp., et al. (1:04-cv-1923) ("O'Neill")

World Trade Center Prop., L.L.C., et al. v. Al Baraka Inv.
& Dev. Corp., et al. (1:04-cv-7280) ("World Trade Center
Properties")

STIPULATION AS TO CONSOLIDATED BRIEFING SCHEDULE FOR DEFENDANTS
DALLAH AL BARAKA, SALEH KAMEL, AND AL BARAKA INVESTMENT AND
DEVELOPMENT CORP.

WHEREAS the *Ashton, Burnett N.Y., Burnett D.C., Cantor, Continental Casualty, Euro Brokers, Federal Insurance, NY Marine, O'Neill and World Trade Center Properties* plaintiffs ("Plaintiffs") brought suit against *Dallah Al Baraka ("Dallah"), Saleh Kamel and Al Baraka Investment and Development Corp. ("ABID")*;

WHEREAS Plaintiffs' claims against *Dallah* are pending in all actions;

WHEREAS Plaintiffs' claims in the *Ashton, Burnett N.Y., Burnett D.C.* actions against *Saleh Kamel and ABID* were dismissed by the Court in its order of January 18, 2005;

WHEREAS *Saleh Kamel and ABID* filed a motion to dismiss the *Federal* complaint, and that motion has been fully briefed;

WHEREAS *Dallah, Saleh Kamel and ABID* previously filed motions to dismiss the *Cantor* complaint, but those motions are not fully briefed;

WHEREAS *Dallah, Saleh Kamel and ABID* intend to answer or file motions to dismiss all the complaints and claims pending against them;

WHEREAS on July 15, 2005, the Court ordered *Dallah, Saleh Kamel, ABID and the Cantor* plaintiffs to coordinate a consolidated briefing schedule;

WHEREAS *Dallah, Saleh Kamel, ABID and all Plaintiffs* recognize the need to coordinate the instant actions as a means of reducing the burdens on the Court and preserving judicial economy;

WHEREAS *Dallah, Saleh Kamel, ABID and Plaintiffs* have thus met-and-conferred and agreed to avoid duplicative and unnecessary motion practice by moving the Court to adopt this Stipulation;

WHEREAS the terms of this Stipulation are consistent with the Court's order of July 15, 2005, prior directives to the parties to coordinate and achieve consolidated briefing schedules where possible, governing Case Management Orders, and, will serve the interests of justice and increase the efficiency of this multidistrict litigation;



WHEREAS the parties to this Stipulation have given their express authority and permission to their undersigned counsel to enter into this Stipulation and have agreed to be bound thereby;

IT IS THEREFORE HEREBY STIPULATED AND AGREED, by, between, and among counsel to the respective parties, that:

1. Effective with the Court's endorsement or entering of this Stipulation, Dallah, ABID's and Saleh Kamel's pending motions to dismiss the *Cantor* plaintiffs' complaint will be withdrawn without prejudice automatically with the Court's endorsement or entering on this Stipulation;
2. Plaintiffs must file their RICO statements, if any, for Dallah no later than thirty (30) days after the Court endorses or enters this Stipulation;
3. Dallah, ABID and Saleh Kamel must answer or otherwise move to dismiss Plaintiffs' complaints no later than seventy-five (75) days following the Court's endorsement or entry of this Stipulation, as follows;
 - (a) Dallah, ABID and Saleh Kamel will jointly file a single motion to dismiss all pending actions and claims against them;
 - (b) Dallah's plea for dismissal will be applicable to all cases;
 - (c) Saleh Kamel's and ABID's plea for dismissal will be applicable to all cases save for *Ashton*, *Burnett N.Y.*, *Burnett D.C.* and *Federal*. The parties agree that it is efficient and proper that neither the previously filed motion to dismiss the *Federal* complaint, nor the corresponding opposition by the *Federal* plaintiffs and Saleh Kamel's and ABID's reply briefs (and accompanying materials and documents filed thereto) should be withdrawn;


4. Plaintiffs' single opposition would be due no later than sixty (60) days after receipt of Dallah's, ABID's and Saleh Kamel's joint motion to dismiss as described above;
5. Dallah, ABID and Saleh Kamel will jointly file a single reply no later than thirty (30) days after receipt of Plaintiffs' opposition;
6. Dallah, Saleh Kamel, and ABID agree to accept service of process of the complaints in the above-referenced actions as part of this Stipulation and do not contest proper service of process.
7. This Stipulation may be signed in counterparts by Counsel for the Stipulating parties; and
8. Counsel for the *Cantor* plaintiffs has authority to sign on behalf of all Plaintiffs.

Respectfully submitted,

 Martin F. McMahon Christopher Smith Martin F. McMahon & Associates 110 Connecticut Ave., NW Suite 900 Washington, DC 20036 Tel.: 202-862-4343 <i>Attorneys for Defendants</i> Dated: <u>8/14/05</u>	 Kenneth L. Adams (admitted pro hac vice) Christopher Leonardo (admitted pro hac vice) Dickstein Shapiro Morin & Oshinsky LLP 1177 Avenue of the Americas 41st Floor New York, NY 10036-2714 Tel.: 212-835-1400 <i>Attorneys for Plaintiffs</i> Dated: <u>8/14/05</u>
--	--

SO ORDERED:

Dated: August 9, 2005
New York, New York


The Honorable Richard Conway Casey
United States District Judge